



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch

Post Office Box 3755

Seattle, Washington 98124-3755

Telephone (206) 764-3495

ATTN: Susan Glenn, Project Manager

Public Notice Date: April 23, 2004

Expiration Date: May 23, 2004

Reference: 200200709

Name: Everett, Port of

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, for certain work described below and shown on the enclosed drawings.

APPLICANT - Port of Everett
Post Office Box 538
Everett, Washington 98206
ATTN: Mr. Graham Anderson
Telephone: (425) 388-0703

LOCATION - In Port Gardner Bay, Possession Sound at Everett, Snohomish County, Washington.

WORK - Install a new dolphin and the replacement of the existing fender system. The new dolphin would allow the Port to berth 870-foot vessels with a 61,600-ton displacement versus the existing 600-foot, 44,300-ton displacement capacity. The new dolphin will consist of 9 steel piles driven with a vibratory pile hammer at -30 to -35 feet MLLW and will have a 225 square foot platform installed on top. A new fender system will be installed at the new dolphin and four existing fender systems will be replaced. This will involve the extraction of 16 creosote treated piles with rubber fenders and will require the insertion of 20 new concrete piles with rubber fenders attached.

PURPOSE - To allow the Port to accommodate vessels of a larger size.

ADDITIONAL INFORMATION - The project area was dredged in 1996 under a separate permit and will not require dredging in association with the proposed project. In-water construction is expected to take four weeks with a total construction period of 8 weeks. The new dolphin will be placed in close proximity to an existing pier and expands capacity into the developed portion of the berth terminal. The area necessary to accommodate larger vessels at the terminal has already been dredged (as part of the 1996 dredging) and is affected by current uses within the port facility. The additional capacity does not necessarily reflect increased traffic, but an alteration to meet current shipping practices and continuous trend toward larger vessels.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The Puget Sound chinook (*Oncorhynchus tshawytscha*), coastal-Puget Sound bull trout (*Salvelinus confluentus*), and Bald eagle (*Haliaeetus leucocephalus*), listed threatened in the state of Washington, occur in the proposed project area. The U.S. Army Corps of Engineers (Corps) has determined that the activity may affect, but is not likely to adversely affect endangered or threatened species, or their critical habitat, designated under the ESA. The biological evaluation for the proposed work entitled, *South Terminal Dolphin Berth Modifications*, dated April 26, 2002, prepared by Pentec Environmental, provided supporting documentation to our determination. The U.S. Fish and Wildlife

Service and the National Marine Fisheries Service (NMFS) concurred with our determination on November 13, 2003, and February 3, 2004, respectively.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon and Groundfish occur in the project area. The proposed action would impact approximately 0.01 acres of EFH for these species. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. The NMFS concurred with our EFH determination on February 3, 2004.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent and has been extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

200200709

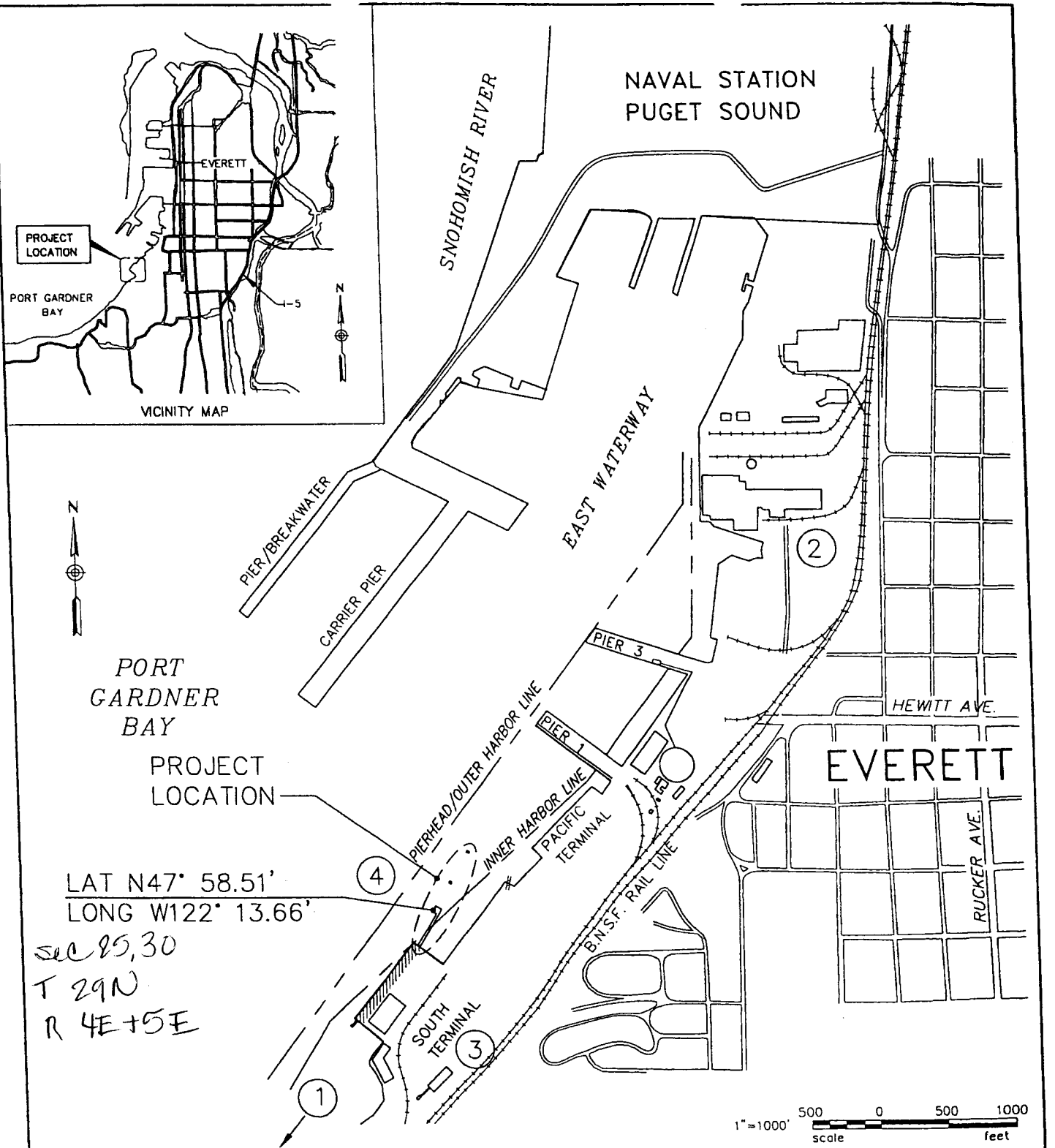
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

This proposal is the subject of Shorelines Substantial Development Permit No. SMA-02-003, being processed by the City of Everett.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Susan.S.Glenn@usace.army.mil. Conventional mail comments should be sent ATTN: Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Everett, Port of
200200709

Encl
Drawings (5)



PURPOSE: UPGRADE FENDER SYSTEM

DATUM: MLLW 0.00

ADJACENT PROPERTY OWNERS:

1. City of Everett (South)
2. Kimberly Clark (North)
3. BNSF RR (East)
4. STATE DNR (West)



~~Proposed~~. DOLPHIN BERTH
MODIFICATIONS
The Action Area

IN: PORT GARDNER

AT: EVERETT

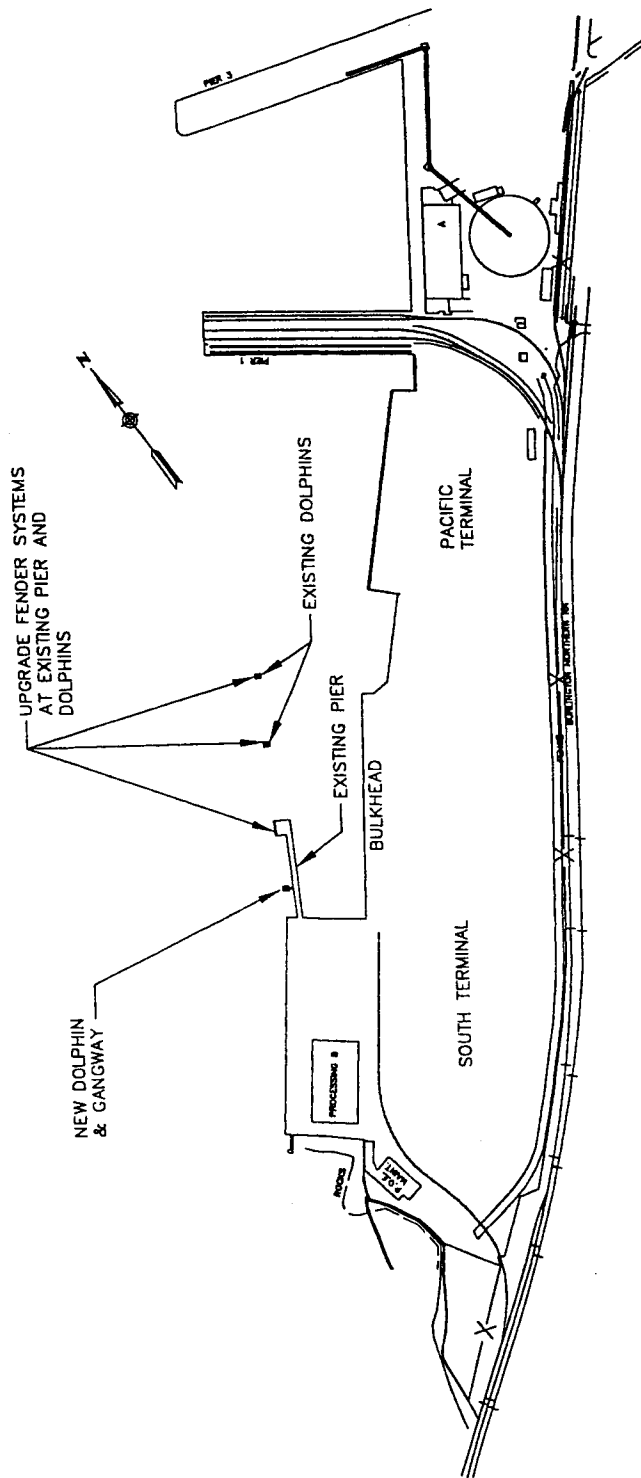
COUNTY OF: SNOHOMISH STATE: WA

APPLICATION BY: PORT OF EVERETT

SHEET 1 OF 5

DATE: 03/05/02

Reference: 200200709



Note: All work is below MHW

SITE PLAN

SCALE: 1" = 600'-0"



PURPOSE: UPGRADE FENDER SYSTEM

DATUM: MLLW 0.00

ADJACENT PROPERTY OWNERS:

1. City of Everett (South)
2. Kimberly Clark (North)
3. BNSF RR (East)
4. STATE DNR (West)



Proposed: DOLPHIN BERTH
MODIFICATIONS
The Project Area

IN: PORT GARDENER

AT: EVERETT

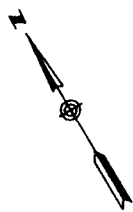
COUNTY OF: SNOHOMISH STATE: WA

APPLICATION BY: PORT OF EVERETT

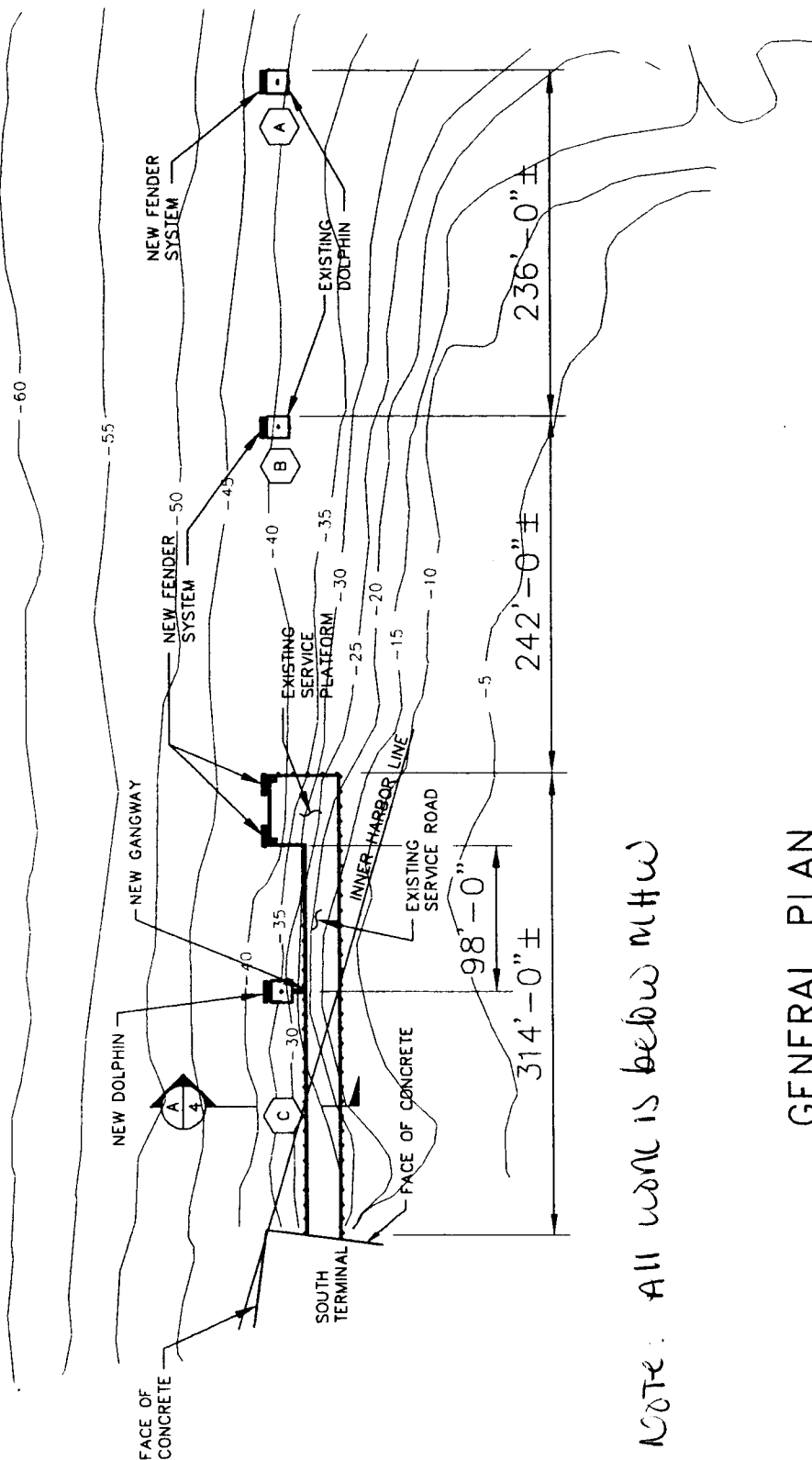
SHEET 2 OF 5

DATE: 03/05/02

Reference: 200200709



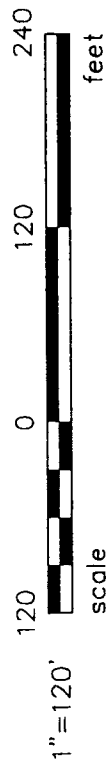
PORT GARDNER BAY



NOTE: All work is below MLLW

GENERAL PLAN

SCALE: 1" = 120'-0"



PURPOSE: UPGRADE FENDER SYSTEM

DATUM: MLLW 0.00

ADJACENT PROPERTY OWNERS:

1. City of Everett (South)
2. Kimberly Clark (North)
3. BNSF RR (East)
4. STATE DNR (West)



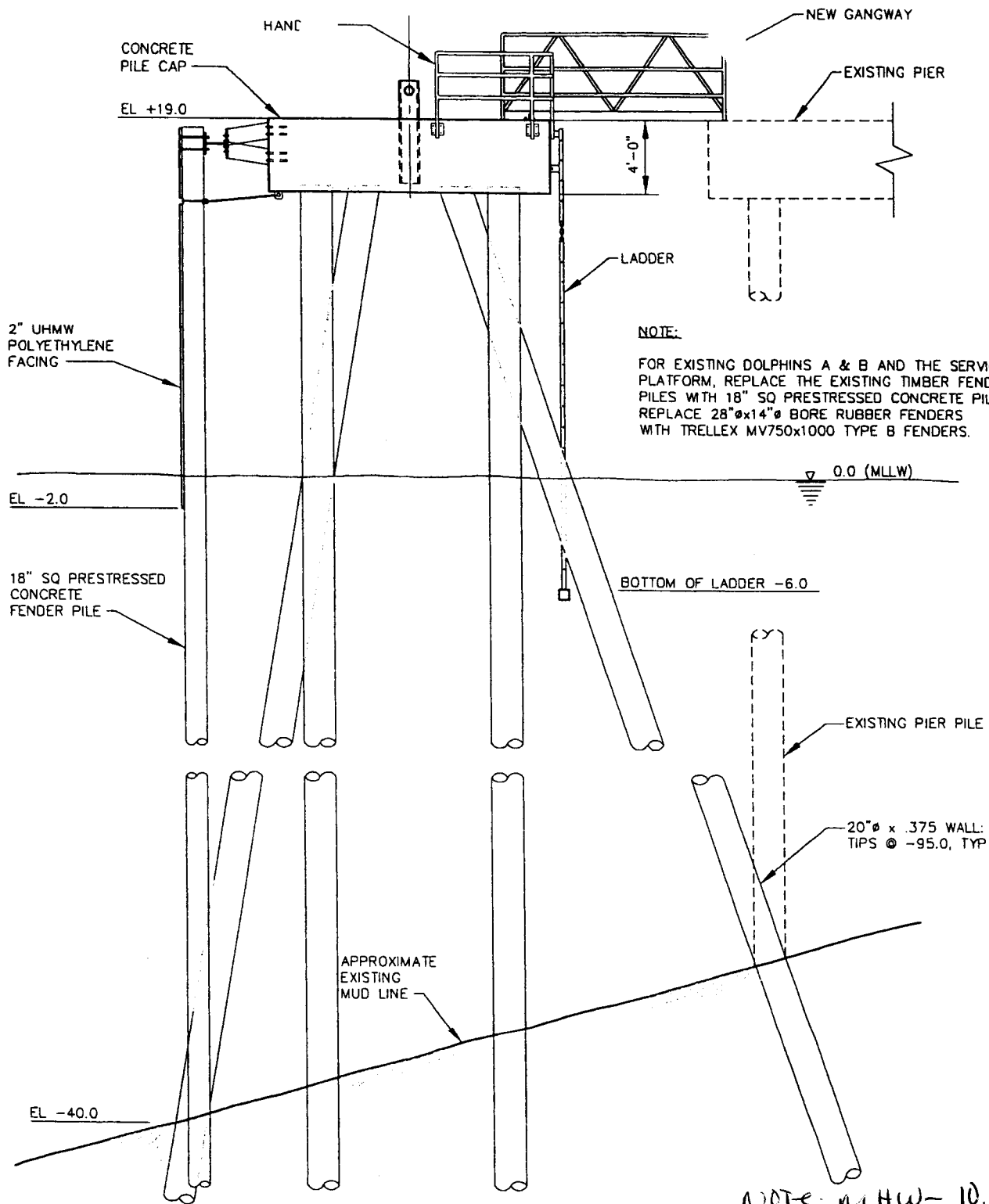
Proposed: DOLPHIN BERTH MODIFICATIONS

IN: PORT GARDNER
AT: EVERETT

COUNTY OF: SNOHOMISH STATE: WA
APPLICATION BY: PORT OF EVERETT

SHEET 3 OF 5 DATE: 03/05/02

Reference: 200200709



A
3

SECTION - NEW DOLPHIN

SCALE: 1/8" = 1'-0"

NOTE: MHW = 10.20

PURPOSE: UPGRADE FENDER SYSTEM

DATUM: MLLW 0.00

ADJACENT PROPERTY OWNERS:

1. City of Everett (South)
2. Kimberly Clark (North)
3. BNSF RR (East)
4. STATE DNR (West)



Proposed: DOLPHIN BERTH MODIFICATIONS

IN: PORT GARDENER

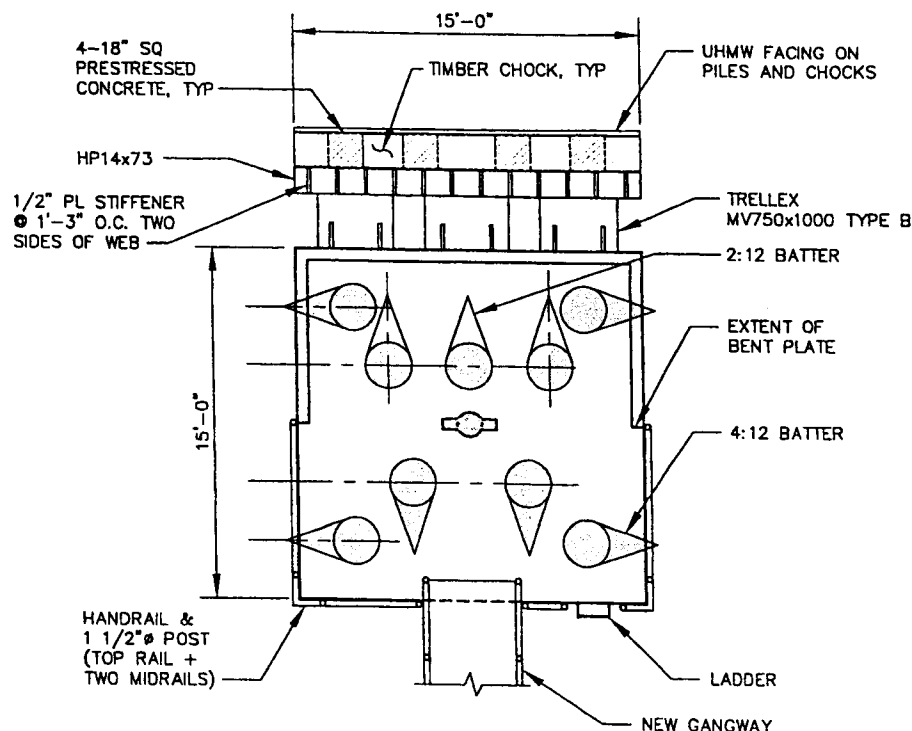
AT: EVERETT

COUNTY OF: SNOHOMISH STATE: WA

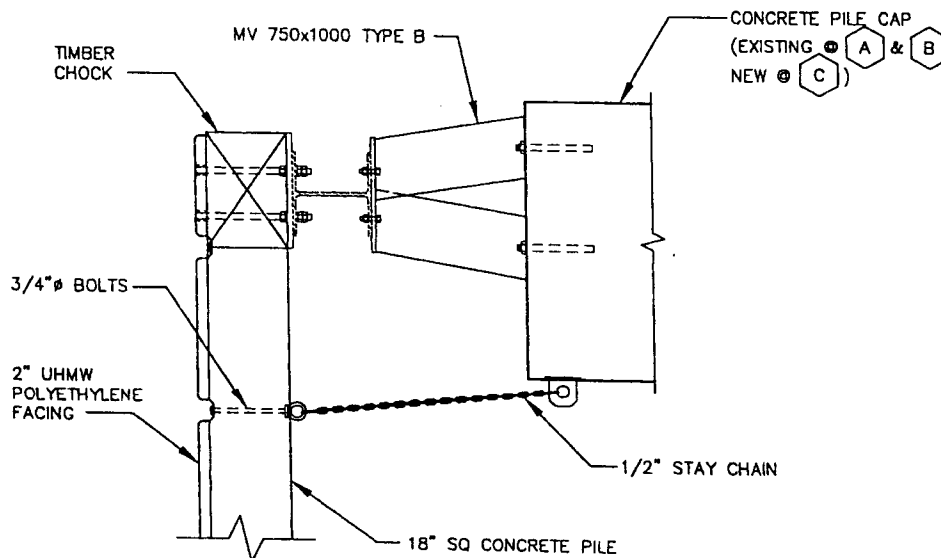
APPLICATION BY: PORT OF EVERETT

SHEET 4 OF 5 DATE: 03/05/02

Reference: 200200709



PLAN - NEW MOORING DOLPHIN (C)
SCALE: 1/8" = 1'-0"



ELEVATION - NEW & REPLACEMENT FENDER
SCALE: 3/8" = 1'-0"

PURPOSE: UPGRADE FENDER SYSTEM

DATUM: MLLW 0.00

ADJACENT PROPERTY OWNERS:

1. City of Everett (South)
2. Kimberly Clark (North)
3. BNSF RR (East)
4. STATE DNR (West)



Project: DOLPHIN BERTH
MODIFICATIONS

IN: PORT GARDENER

AT: EVERETT

COUNTY OF: SNOHOMISH STATE: WA

APPLICATION BY: PORT OF EVERETT

SHEET 5 OF 5 DATE: 02/13/02

Reference: 200200709



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: April 23, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200200709 will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that Program.

Any person desiring to present views on the project pertaining to the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600